REMARKS/ARGUMENTS

With this amendment, claims 1-11, 13-20, and 22-29 are pending. For convenience, the Examiner's rejections are addressed in the order presented in an February 1, 2005 Office Action.

I. Status of the claims

Claims 8 and 11 are amended to correct an apparent typographical error. The Greek symbol β (beta) has been insert in an appropriate position in the phrase "β-gal gene." This amendment adds no new matter and is not a limiting amendment.

II. Objections to the claims

claims 8 and 11 are objected to for a typographical error and Applicants thank the Examiner for bringing the error to their attention. Claims 8 and 11 are now amended to recite "β-gal gene" instead of " -gal gene." In view of this amendment, withdrawal of the objections is respectfully requested.

III. Rejections under 35 U.S.C. §112, second paragraph

Claims 1-11, 13-20, and 22-29 are rejected under 35 U.S.C. §112, second paragraph for allegedly failing to particularly point out and distinctly claim the invention. According to the Office Action, the specification does not make clear what is intended to be encompassed by the term "PKR".

Applicants respectfully traverse the rejection and assert that one of ordinary skill in the art would understand the claimed invention in light of the specification. "[35 U.S.C.] §112, second paragraph, requires a determination of whether those skilled in the art would understand what is claimed in light of the specification." *Orthokinetics v. Safety Travel Chairs Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986). Moreover, according to the MPEP, claims which define the patentable subject matter with a reasonable degree of particularity and distinctness should be allowed. MPEP 2173.02, emphasis original.

PKR is defined in the specification at page 7, lines 32-37, as a host cell protein kinase that is induced by interferon. Other names for this well known protein are also provided: "IFN-induced PKR protein kinase", p68 kinase, P1, DIA, dsI and elF-1 kinase. Figure 1B provides a structural representation of the PKR protein kinase and shows that the protein is 551 amino acids long. Figure 1B and its figure legend (at page 9, lines 5-14) also depict known structural regions of the protein with specific functions, *e.g.*, regions of interaction with PKR-inhibitory molecules adenovirus VAI RNA, vaccinia virus K3L, and $P58^{IPK}$. Also depicted are the regulatory region and dsRNA binding domains within that region. The figure also identifies the catalytic domain of the protein as amino acid residues 265-551 and 11 conserved motifs within that region. Finally, the figure shows the newly discovered NS5A binding region. The Figure legend provides published references that further discuss the PKR protein. *See, e.g.*, Katz *et al.*, EMBO J. 6:689-697 (1987) and Gale *et al.*, Mol. Cell. Biol. 16:4172-4181 (1996).

Applicants also bring to the Examiner's attention related US Patent Nos 6,030,785 and 6,326,151 which both use the term PKR in the allowed claims. Thus, use of the term PKR should be allowed in the present application.

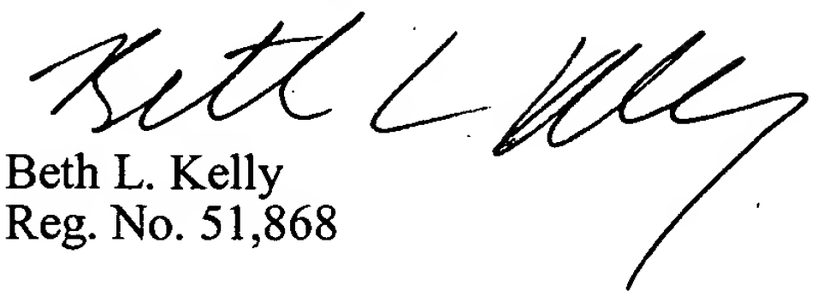
Given the large amount of information previously known about the PKR protein, and the disclosure of the information in the specification, applicants respectfully assert that, based on the specification, those skilled in the art would understand what is meant by use of PKR in the claims. In view of the above arguments, withdrawal of the rejections under 35 U.S.C. §112, second paragraph is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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